REMARKS

The drawings were objected to for failing to comply with 37 C.F.R. §1.84(p)(4) and 37 C.F.R. §1.83(a). In particular, the Examiner noted the referenced character "12" was designated for both a guidetrack and a spiral needle and referenced character "15" was designated both as a guidetrack and an opening and further that the carrier element was not pointed out in the drawings.

The drawings are believed to be correct. However, the specification has been amended to correct typographical errors such that the guidetracks are designated to be 10 and 11, and not 11 and 12 on page 6. Further, the specification is corrected so that the opening in the adaptor 2 is designated as 5 and not as reference number 15. (However, the reference number "15" was not changed on page 6, line 26, since the openings 15 represent guidetracks.) In addition, the claims have been amended to replace the terminology "carrier element" with "ring" which is pointed out at reference number 26 in Figure 15 of the drawings.

Claims 1 - 31 were rejected under 35 U.S.C .§112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. The Examiner noted numerous claims that had insufficient antecedent basis or terms that were not understood. The claims have now all been amended taking particular note of the Examiner's comments. The Amendment to the claims should overcome the rejection under 35 U.S.C .§112, second paragraph.

Claims 1 - 6, 9 - 18, 21 - 26 and 28 - 31 were rejected under 35 U.S.C §102(b) as being anticipated by Solar et al. (U. S. Patent No. 5,947,983). Further, claims 1 - 5, 7 - 11, 13, 15 - 22, and 27 - 31 were rejected under 35 U.S.C .§102(e) as being anticipated by Stefanchik et al. (U. S. Patent No. 6,015,416).

Claim 1 now requires the limitations of claim 19 and 20 in that there are at least two intersecting guidetracks in the device. Whereas Solar et al. only disclose one guidetrack and one spiral needle (so that the device is only capable of sealing wall defects and not to connect hollow organs), Stefanchik et al. disclose two

spiral needles and guidetracks and their device also serves to connect hollow organs or to generate end-to-side anastomoses. What is clearly not disclosed nor suggested by Solar and Stefanchik, however, is the advantageous arrangement of the guidetracks in present invention. Solar and Stefanchik do not show or disclose the guidetracks intersecting. The intersecting guidance of both spiral needles shows the clear advantages of an optimized approximation of the shape of the hollow organ or vessel and that the sutures are guided and introduced successively around the opening. This means that after the usage of present invention, the hollow organ connection is already completely sutured.

With the simple, straight assembly as disclosed in Solar and Stefanchik, it is not possible to realize such an advantageous geometry of the needle paths. Only the sidewalls of the hollow organ connection are sutured, the two ends have to be sutured separately. Also, the other documents, as cited by the Examiner, do not give any hints with respect to the realization of such a feature.

This Amendment should place this case in condition for passing to issue. Such action is respectfully requested.

Respectfully submitted,

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Dated: January 27, 2004
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